

REMARKS

Upon entry of this Amendment, claims 2-4 and 9-18 are pending. Claims 19 and 20 are subject to restriction and/or election requirement and have been cancelled, without prejudice or disclaimer. Claim 2 stands rejected under 35 U.S.C. §112, second paragraph, as indefinite. Claims 2-4 and 9-18 stand rejected under 35 U.S.C. §103(a) as obvious in light of U.S. Patent 5,626,404 to *Kelley et al.* Claims 10 and 16 also stand rejected under 35 U.S.C. §103(a) as obvious in light of U.S. Patent 3,874,657 to *Niebojewski* in view of U.S. Patent 2,632,645 to *Barkschat* and U.S. Patent 4,938,548 to *Richardson*. The claims, as amended, traverse the Examiner's rejections. No new matter is submitted.

Election/Restriction

The Examiner has maintained the restriction requirement for claims 19 and 20, while withdrawing the restriction requirement for claim 13. Applicant graciously thanks the Examiner for withdrawing the restriction requirement for claim 13, and in response to the Examiner's continued restriction of claims 19 and 20, cancels the same, without prejudice or disclaimer.

Rejection Under §112

Regarding claim 2, the Examiner contends that "the door" lacks antecedent basis. The term "door" is used twice in claim 2. The first occurrence "a door" immediately precedes and provides antecedent basis for the second occurrence, reading "the door." Applicant respectfully submits that this rejection is therefore traversed.

Rejection Under §103

None of the art of record teaches or suggests the combination of limitations recited in each of the independent claims.

U.S. Patent 5,626,404 to Kelley et al.

The Examiner has taken the position that claims 2-4 and 9-18 are obvious in light of *Kelley et al.* The Examiner asserts that:

The furniture is located in an office setting and includes wiring orifices and therefore, computer equipment/electric equipment of any type (including those with graphic user interfaces, video cameras, all kinds of peripherals, monitors, links/cables to interconnect features, etc.) could inherently be provided for use therein. (Office action at page 3).

Applicant respectfully submits that *Kelley et al.* teaches away from providing such equipment in cabinet 10. Figure 1 of *Kelley et al.* shows “work spaces 11” and “work surfaces 13.” Work space 11 is a space for an individual to work and includes work surface 13. Equipment, such as computer equipment, that a worker would use in work space 11 is intended to be located on work surface 13, not in cabinet 10, as the Examiner has suggested. The stated function of cabinet 10 reinforces this conclusion as follows:

The cabinets 10 function within the work spaces 11 as active storage areas in the sense that they can be used for storage of files, paper and the like and can be accessed easily during the workday by the occupant of the work space. (*Kelley et al.* at col. 4, line 66 to col. 5, line3).

The Examiner is correct that wiring may run through cabinets 10, however, this does not mean that computer equipment is inherently provided for use in cabinet 10. In the Abstract, *Kelley et al.* states that “[w]ire management capability is provided in the cabinet to interface with wire management in the freestanding walls,” suggesting that wiring may run from cabinet 10, to freestanding wall 14 and ultimately to equipment, e.g., computer equipment, on work surface 13.

Contrary to the position taken by the Examiner, *Kelley et al.* teaches away from the notion that computer equipment is inherently provided for use in cabinet 10. Therefore, applicant respectfully submits that *Kelley et al.* fails to teach or suggest a “module that encloses

provided computer equipment.” Consequently, applicant respectfully submits that independent claims 2 and 3, and all claims dependent thereon, are allowable over *Kelley et al.*

Further regarding *Kelley et al.*, the Examiner concedes that *Kelley et al.* fails to disclose exercise equipment inside one or more modules, however, the Examiner takes official notice that “portable exercise equipment, such as bar bells, is well known in the art.” Applicant respectfully submits that precisely what the Examiner is taking official notice is unclear and irrelevant. On its face, the official notice statement recites that “portable exercise equipment, such as bar bells, is well known in the art.” It is unclear what field of technology or art the Examiner is referring to, e.g., the field of exercise equipment, the field of furniture. The notice statement itself, even if considered to be in the proper field of technology, does not appear to be relevant. Specifically, applicant respectfully submits that “portable exercise equipment, such as bar bells, is well known in the art” is not relevant notice, because it does not reflect what, in this instance, is not taught by *Kelley et al.*, namely, enclosing provided exercise equipment in a module, which is part of a modular furniture system that also includes a module enclosing provided computer equipment.

Applicant respectfully submits that it is not well known to have a modular furniture system that includes a combination of modules, including a module that encloses provided exercise equipment and another module that encloses provided computer equipment. According to the Examiner, exercise may alleviate stress, and it would therefore be obvious to store exercise equipment in a furniture system module, so a worker could exercise in their work area during breaks. However, applicant respectfully submits that it is far more likely that workers who exercise before work, during work breaks or after work, will leave their work area to exercise, e.g., walking or running outside, or visiting an exercise facility. Exercising outside the work area reduces noise, perspiration odor and other possible distractions to nearby coworkers, if present. Therefore, applicant respectfully traverses the Examiner’s official notice and requests supporting documentation, if the rejection is to be maintained.

Thus, applicant respectfully submits that *Kelley et al.* fails to teach or suggest a “module that encloses provided exercise equipment” and therefore that independent claims 2 and 3, and all claims dependent thereon are allowable on this further basis over *Kelley et al.*

Regarding *Kelley et al.*, as pertaining to claims 10-18, independent claim 10 requires “a workout portion comprising exercise equipment that may be deployed, and a computer peripheral coupled to computer equipment by a link.” As set forth above, *Kelley et al.* does not teach or suggest the use of exercise equipment, and therefore, necessarily fails to teach at least the claim limitations from claim 10 set forth above. Thus, applicant respectfully submits that claims 10-18 are allowable over *Kelley et al.*

U.S. Patent 3,874,657 to Niebojewski, U.S. Patent 2,632,645 to Barkschat and U.S. Patent 4,938,548 to Richardson

Niebojewski discloses an exercise apparatus including a stall bar unit and a pair of parallel bar units. (Abstract). *Niebojewski* states that stall bars 20 are “equally spaced throughout the depth of the cabinet.” (col. 3, lines 61-62). The Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of the invention to add a shelf in one or more of the compartments of *Niebojewski*, such as is taught by *Barkschat*, to store exercise equipment or computer equipment inside the module. Applicant respectfully submits that there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, as suggested by the Examiner.

Moreover, there is no reasonable expectation of success that such a combination would function for its intended purpose. Applicant respectfully submits that modifying *Niebojewski* as the Examiner has suggested would make the apparatus nonfunctional for its intended purpose, which includes providing a full range, e.g., from the top to the bottom of the apparatus, of stall bars for exercise purposes. Modifying *Niebojewski* as the Examiner has suggested necessarily removes a number of stall bars, to provide enough space to support and store computer equipment within the exercise apparatus. The desired range of motion for the exercise apparatus of *Niebojewski* would therefore be compromised. Thus, applicant respectfully submits that claims 10-18 are allowable over *Niebojewski* in view of *Barkschat* and *Richardson*.

Conclusion

Reconsideration is respectfully requested. Applicant believes the case is in condition for allowance and respectfully requests withdrawal of the rejections and allowance of the pending claims.

The Examiner is invited to telephone the undersigned at the telephone number listed below if it would in any way advance prosecution of this case.

Respectfully submitted,

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